

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

Michael A. Burnett,

Plaintiff,

Case No. 18-cv-12471

v.

Judith E. Levy

United States District Judge

Officer Herron, et al.,

Mag. Judge Patricia T. Morris

Defendants.

_____/

**ORDER DIRECTING THE CLERK OF THE COURT TO
TRANSFER THE APPLICATIONS TO PROCEED WITHOUT
PREPAYING FEES AND COSTS [9, 10] TO THE UNITED
STATES COURT OF APPEALS FOR THE SIXTH CIRCUIT**

On October 18, 2018, the Court denied plaintiff's application to proceed on appeal *in forma pauperis*—that is, without prepayment of fees or costs. (Dkt. 5.) Plaintiff subsequently filed a notice of appeal with the United States Court of Appeals for the Sixth Circuit. (Dkt. 6.) Nonetheless, plaintiff has since filed two additional applications with this Court to proceed *in forma pauperis*. (Dkts. 9, 10.)

A notice of appeal generally “confers jurisdiction on the court of appeals and divests the district court of control over those aspects of the

case involved in the appeal.” *Marrese v. Am. Acad. of Orthopaedic Surgeons*, 470 U.S. 373, 379 (1985) (citing *Griggs v. Provident Consumer Discount Co.*, 459 U.S. 56, 58 (1982)). Plaintiff’s notice of appeal thus divests the Court of jurisdiction to consider his newly filed motions to proceed *in forma pauperis*. *Johnson v. Woods*, No. 5:12-11632, 2013 WL 557271, at *2 (E.D. Mich. Feb. 13, 2013) (citing *Glick v. U.S. Civil Service Com’n*, 567 F.Supp. 1483, 1490 (N.D.Ill.1983); *Brinton v. Gaffney*, 560 F.Supp. 28, 29–30 (E.D.Pa.1983)). Because jurisdiction was transferred to the Sixth Circuit upon the filing of the notice of appeal, plaintiff’s motions to proceed *in forma pauperis* would be more appropriately addressed to the Sixth Circuit. *See* 28 U.S.C.A. § 1631.

Accordingly, **IT IS ORDERED** that the Clerk of the Court transfer plaintiff’s motions to proceed on appeal without prepaying fees and costs (Dkts. 9, 10) to the United States Court of Appeals for the Sixth Circuit.

IT IS SO ORDERED.

Dated: December 13, 2018
Ann Arbor, Michigan

s/Judith E. Levy
JUDITH E. LEVY
United States District Judge

CERTIFICATE OF SERVICE

The undersigned certifies that the foregoing document was served upon counsel of record and any unrepresented parties via the Court's ECF System to their respective email or First Class U.S. mail addresses disclosed on the Notice of Electronic Filing on December 13, 2018.

s/Shawna Burns
SHAWNA BURNS
Case Manager